

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application of

Sheerer et al.

Atty. Ref.: 10-1470

Reissue of Patent No.: 6,375,796

Granted: April 23, 2002

For: **METHOD OF TREATING MATERIAL IN
A CONTINUOUS DIGESTER**

* * * * *

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

**REISSUE DECLARATION OF JAY SHEERER, JOSEPH
PHILLIPS, JERRY JOHANSON AND JOHN PIETRANGELO
PURSUANT TO 37 CFR §1.175**

The undersigned, hereby say and declare:

1. Our residence post office addresses and citizenships are as stated below next to our signatures.

2. We believe that we are the original, first and joint inventors of the subject matter of the invention entitled "METHOD OF TREATING MATERIAL IN A CONTINUOUS DIGESTER" as described and claimed in U.S. Patent 6,375,796 (hereinafter "the '796 patent") which issued on April 23, 2002 and for which a reissue patent is sought. Further, we believe that we are the original, first and joint inventors of the subject matter which is described and claimed in the '796 patent, for which a reissue patent is sought.

Sheerer et al.

Reissue of U.S. Patent 6,375,796

3. We reviewed and understand the contents of the above identified reissue application including the original claims, the amended claims and new claims 18 to 22 added in this reissue application. The contents of this reissue application, including the claims, written specification, drawings and abstract, are attached to this declaration.

4. We claim the benefit under 35 U.S.C. §120 of United States Application Serial No. 08/953,880 filed October 24, 1997, and now U.S. Patent 6,129,816.

5. We acknowledge our duty to disclose information of which we are aware that is material to the examination of the reissue application in accordance with 37 CFR §1.56.

6. On information and belief, we each do not know and do not believe that the invention that is the subject of the claims of this application was ever known or used in the United States before our invention thereof, or patented or described in any publication in any country before our invention thereof, or more than one year prior to the original application, or in public use or on sale in the United States more than one year prior to the original application; that this invention had not been patented or made the subject of an inventor's certificate in any country foreign to the United States prior to the date of the original application on an application filed by us, our legal representative or Assignee more than 12 months before their original application.

7. We believe that the '796 patent is wholly or partly inoperative or invalid by reason of an error in claim 13 thereof, and errors in claiming less than we had a right to claim in the '796 patent. For example, we believe that it was an error to restrict the scope of claim 13 by the limitation "having a substantially constant screen surface

Sheerer et al.
Reissue of U.S. Patent 6,375,796

opening size", to not include screening claims directed to screening with bars, and to not include claims to a method of screening in a vertical digester have a series of cylindrical sections separated by diameter expansion sections, where each diameter expansion section includes a tapered screen.

8. All of the errors being corrected in this reissue application up to the time of the filing of this declaration arose without any deceptive intent.

9. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1.

Inventor's
Signature:
Inventor:

Date: APRIL 19, 2004

Jay K. Sheerer
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(citizenship)
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2.

Inventor's
Signature:
Inventor:

Date: April 19, 2004

Joseph R. Phillips
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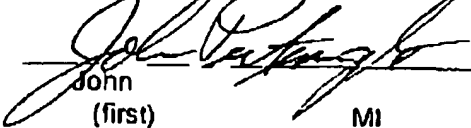
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Sheerer et al.
Reissue of U.S. Patent 6,375,796

3. Inventor's Signature: _____ Date: _____
Inventor: Jerry R. Johanson USA
(first) MI (last) (citizenship)
Residence (city): San Luis Obispo (state/country) California
Mailing Address: 2975 Hawkhill Lane, San Luis Obispo, California
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4. Inventor's Signature:  Date: Apr. 20, 2004
Inventor: John Pietrangelo USA
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application of

SHEERER et al.

Atty. Ref.: 10-1470

Patent No. 6,375,796

Group: Not yet assigned

Granted: April 23, 2002

Examiner: Not Yet Assigned

For: METHOD OF TREATING MATERIAL IN A
CONTINUOUS DIGESTER

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY
AND EXCLUSIVE PROSECUTION HEREAFTER BY
ASSIGNEE UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73**

Andritz Inc., being the owner of all right, title and interest in the above-identified patent application, hereby revokes all previous powers of attorney in this case, if any, and hereby appoints the attorneys of **Customer Number 23117** individually and collectively its attorneys to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent.

Andritz Inc. also authorizes Nixon & Vanderhye to act and rely solely on instructions communicated from the person, attorney, firm or other organization sending instructions to Nixon & Vanderhye on behalf of the owner.

SHEERER et al.

Reissue Application of Patent No. 6,375,796

Certificate Under 37 C.F.R. §3.73(b)

Andritz Inc., a corporation having a place of business at 13 Pruyn's Island Drive, Glens Falls, New York 12801-3636 states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors to the aforesaid assignee, a copy of the assignment being attached.

The undersigned (whose title is typed below) is empowered to sign this statement on behalf of Andritz Inc.

Andritz Inc.

April 20, 2004 By: Deborah B. Zink
Date Name: Deborah B. Zink
Title: Assistant Secretary

PTO/SB/53 (05-03)

Approved for use through 01/31/2004. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REISSUE APPLICATION: CONSENT OF ASSIGNEE; STATEMENT OF NON-ASSIGNMENT		Docket Number (Optional)
This is part of the application for a reissue patent based on the original patent identified below.		
Name of Patentee(s) Sheerer et al.		
Patent Number 6,375,796	Date Patent Issued April 23, 2002	
Title of Invention Method of Treating Material In A Continuous Digester		
<p>1. <input checked="" type="checkbox"/> Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)</p> <p>2. <input type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.</p> <p>One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".</p> <p>The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.</p>		
The assignee(s) owning an undivided interest in said original patent is/are <u>Andritz Inc.</u> and the assignee(s) consents to the accompanying application for reissue.		
Name of assignee/inventor (if not assigned) Andritz Inc.		
Signature <i>Deborah B. Zink</i>	Date <i>April 20, 2004</i>	
Typed or printed name and title of person signing for assignee (if assigned) <i>Deborah B. Zink</i> <i>Assistant Secretary</i>		

This collection of information is required by 37 CFR 1.172. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/96 (08-03)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Andritz Inc.Application No./Patent No.: 6,375,796 Filed/Issue Date: April 23, 2002Entitled: METHOD OF TREATING MATERIAL IN A CONTINUOUS DIGESTERAndritz Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:1. From: Inventors Sheerer et al. To: Ahlstrom Machinery Inc.The document was recorded in the United States Patent and Trademark Office at
Reel 9032, Frame 900, or for which a copy thereof is attached.2. From: Ahlstrom Machinery Inc. To: Andritz-Ahlstrom Inc.The document was recorded in the United States Patent and Trademark Office at
Reel 12569, Frame 631, or for which a copy thereof is attached.3. From: Andritz-Ahlstrom Inc. To: Andritz Inc.The document was recorded in the United States Patent and Trademark Office at
Reel 12569, Frame 625, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

April 20, 2004

Date

770-640-2591

Telephone number

Deborah B. Zink

Typed or printed name

Deborah B. Zink

Signature

Assistant Secretary

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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